

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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MAHFUJUR RAHMAN, et al.,

Plaintiffs,

-against-

RED CHILI INDIAN CAFÉ, INC., et al.,

Defendants.

17-CV-5156 (RA) (BCM)

ORDER**BARBARA MOSES, United States Magistrate Judge.**

The Court has received defaulted defendant Mohammed Miah's letter motion, dated May 16, 2024, seeking an extension of time to respond to plaintiffs' post-hearing brief. Ltr. Mot. (Dkt. 161). Miah states that he seeks an extension "so that I can find the documents needed to go forward." *Id.*

The application is GRANTED. Miah (and defaulted defendant Noor Islam) may have until **May 29, 2024**, to file their post-hearing brief. The Court cautions defendants, however, that the purpose of the post-hearing briefing is to present argument *about* the damages evidence – not to submit new evidence. *See* Tr. of May 8, 2024 Hr'g (Dkt. 162) at 60:7-12 (explaining that both sides would be able to submit a "written argument"). It is now far too late for the defaulted defendants to submit evidence that was not presented in response to plaintiffs' proposed inquest findings (*see* Dkt. 143 ¶ 6) or at the inquest hearing, where plaintiffs could have cross-examined Mr. Miah about it and addressed it in their post-hearing brief.

The Clerk of Court is respectfully directed to mail copies of this Order to defaulted defendants Miah and Islam at their addresses of record. Additionally, counsel for plaintiffs is directed to email a copy of this Order to the defaulted defendants at the email addresses provided during the inquest hearing, and to file proof of such service upon the docket.

Dated: New York, New York
May 21, 2024

SO ORDERED.


BARBARA MOSES
United States Magistrate Judge